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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.147 OF 2007
IN
CRIMINAL WRIT PETITION NO.686 OF 2007

Sanjay Chaitya Kadu ... Petitioner

Vs.

The State of Maharashtra & Anr. ... Respondents

And

Shyamsunder N. Dube .. Orig. Complainant/Intervener

Mr. M.S. Mohite for the petitioner.

Ms. P.H. Kantharia, A.P.P. for the State.

Mr. P.K. Dhakephalkar for the Intervener.

CORAM : SMT. RANJANA DESAI &
D. B. BHOSALE, JJ.

DATED : 4TH MAY, 2007.

P.C.:-

1. The intervention application is dismissed as the applicant has no locus. However, in the peculiar facts and circumstances of the case, we feel it appropriate to make the following changes in our order dated 11/4/2007. The sentence in line 5 of page 2 viz. *"However, if the Special Public Prosecutor who*

is in charge of these cases, is unable to attend to it on day-to-day basis, the State may consider appointing a new Public Prosecutor." should be read as "*However, the Special Public Prosecutor who is in charge of these cases, shall as far as possible, attend to it on day-to-day basis and if not, the State may consider appointing a new Public Prosecutor*". We also wish to make it clear that we have not cast any aspersions on the learned Special Public Prosecutor who is appointed and who is conducting the TADA Special Case Nos.2/1996 and 1/1997. Our observations that the "*State may consider appointing a new Public Prosecutor*" should not be so interpreted. The application is dismissed.

[SMT. RANJANA DESAI, J.]

[D. B. BHOSALE, J.]